

DETAILED ACTION

1. Claims 1-28 are pending as amended on February 5, 2010.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Response to Amendment

3. Applicant's amendments to the Abstract, filed February 5, 2010, with respect to correcting the format and language of the Abstract, have been fully considered and are corrective. Therefore, the objection to the Specification has been withdrawn.
4. Applicant's amendments to 1-4, 7, 9, 10, 13-15, 17-20, 25 and 26, filed February 5, 2010, renders the previously cited rejections under 35 U.S.C. §112 moot. As such, the rejection of Claims 1-28 under 35 U.S.C. §112, second paragraph, as being indefinite, has been overcome and withdrawn.
5. Applicant's amendments to Claim 1, filed February 5, 2010, obviates the previously cited rejection under 35 U.S.C. §102. As a result, the rejection of Claims 1-28

under 35 U.S.C. §102(b), as being anticipated by the U.S. Patent Application Publication of Holmes et al. (2003/0058491; hereinafter "Holmes") has been duly withdrawn.

Claim Rejections - 35 USC § 102

6. Claims 1-10 and 12-28 are rejected under 35 U.S.C. 102(b) as being anticipated by the U.S. Patent of Burchard et al. (6,030,691; hereinafter "Burchard").

7. Burchard teaches a strip for safeguarding a document ("antifalsification paper having a security element in the form of a thread of band") having a longitudinal direction and two opposing surfaces, and in the longitudinal direction an alternation of metallic regions and transparent regions, such that the regions extend between the opposing surfaces of the strip (see Abstract; see also Figures 1-3; see also Column 2, Lines 43-65; see also Column 4, Lines 30-50). Burchard also teaches that the alternating metallic and transparent regions produce a macro-contrast on the document that makes forgeries difficult and prevents the document from being imitated with a copying machine (see Column 2, Lines 43-65). In addition, Burchard teaches that strip includes optically active elements associated with the metallic and transparent regions that produce an optical effect on a less than macro-contrast scale (i.e., micro-contrast) that makes it possible to identify the document (see Column 3, Lines 23-60). Specifically, Burchard provides that the strip includes large, easy-to-read writing (with "large"

defined as being 1 mm high) and small writing visually difficult to resolve (with “small” defined as being smaller values) (*Id.*).

8. Burchard teaches that the strip produces an optical effect that is dependent on the angles of illumination and/or observation of the strip, and that the strip also produces a contrasting color shift (or multicolor shift) (see Column 3, Line 61 – Column 4, Line 12). Burchard also teaches that the transparent regions of the strip can be coated with a varnish that produces a glossy effect visible to the naked eye, given that Burchard recites that the transparent substrate can be coated with dyes that include luminescent inks that improve the visual impression of the thread material even further and make it more effective (*Id.*). Further, Burchard teaches that the optically active elements are metallized optically active structures, and that the structures can comprise such elements as purely reflective metallized zones, diffraction lines, holographic zones, demetallized zones of a metallized area, a zone bearing printing, and a metallized zone of a transparent region (see Figures 2 and 3; see also Column 2, Lines 43-65; see also Column 4, Lines 40-59; see also Column 5, Lines 1-24; see also Column 6, Lines 26-44). Additionally, Burchard teaches that the optically active structures comprise different zones of the elements, that some of the zones are not perceptible to the naked eye, that the optically active elements are associated with purely metallic regions, and that the purely metallic regions are disposed on respective sides of the metallized regions of the

strip (see Figures 2, 3, 5 and 9; see also Column 4, Lines 40-59; see also Column 5, Lines 1-13; see also Column 5, Line 59 – Column 6, Line 2; see also Column 6, Lines 15-26).

Burchard also teaches that the purely metallic regions are disposed such that a transparent interval is located between the purely reflective region and the metallized region (see Figures 10 and 11; see also Column 6, Lines 3-14). In addition, Burchard teaches that the optically active elements can be associated with transparent regions, that the metallized regions can be disposed adjacently to the transparent regions, and that there can be an interval between the metallized regions and the transparent regions (see Figures 2-5, 7, 9 and 10; see also Column 4, Lines 40-59; see also Column 5, Lines 1-13; see also Column 5, Lines 25-35; see also Column 5, Line 59 – Column 6, Line 5; see also Column 6, Lines 15-26). Burchard also teaches that the intervals can be metallized and diffractive zones, printed zones, or a hologram (*Id.*). Burchard also provides that the optically active elements are in register relationship with the metallized and/or transparent regions of the strip (see Figures 2-4; see also Column 4, Lines 40-67).

Additionally, Burchard provides that the regions and the optically active elements can be luminescent motifs (“luminescent characters or patterns”), and that the luminescent motifs can be printed so as to overlap the metallic regions or the strip, overlap the transparent portions of the strip, or be incorporated into the strip (see Figures 2-7; see also Column 3, Line 62 – Column 4, Line 12; see also Column 4, Line 40 – Column 5,

Line 35). Further, Burchard recites that the strip can be incorporated into such security documents as bank notes, checks, shares, traveler's checks, check and credit cards, passports, identity cards (see Figure 1; see also Column 1, Lines 19-32; see also Column 4, Lines 30-39).

Claim Rejections - 35 USC § 103

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burchard as applied to Claim 10 above, and further in view of Holmes.

10. Burchard teaches a strip for safeguarding a document having optically active elements that are associated with metallized regions, and that the elements can be several different types of optically active structures, as discussed *supra*. However, Burchard is silent as to whether the optically active structure can be a diffraction mat integrated into a metallized region. Burchard, though, does expressly recite that the strip can ensure high resistance to forgery by providing at least two types of antifalsification information (see Column 2, Lines 37-42).

11. Holmes, which is drawn to an optically variable security device, teaches that an optically variable security device can incorporate diffraction based optically variable devices, and that the device can include a structure that exhibits a first optically variable effect and a second structure either on or in the first structure that exhibits a second

optically variable effect (see ¶¶ [0003]-[0007]). By incorporating a second diffraction based optically variable structure into a first diffraction based optically variable structure, such that each structure exhibits a different optically variable effect, a security document can be produced that will be highly resistant to counterfeiting or forgery.

12. As both Burchard and Holmes are drawn to the same field of invention, it would have been obvious to a person having ordinary skill in the art at the time of invention to make a security strip having antifalsification information such as that taught by Burchard, but to incorporate first and second diffraction based optically variable structures into the security strip as taught by Holmes, in order to ensure that the strip is not able to be counterfeited or forged, thereby arriving at the presently-claimed invention.

Response to Arguments

13. Applicant's arguments with respect to Claims 1-28 have been considered but are moot in view of the new grounds of rejection.

Conclusion

14. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

15. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Joy whose telephone number is (571) 272-9056. The examiner can normally be reached on Monday - Friday, 7:00 AM - 3:30 PM EST.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Ruthkosky can be reached on (571) 272-1291. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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